



Declaration of Conformance with Executive Order 13423 Challenges for Department of the Army Installations

**NDIA Environment, Energy Security and
Sustainability Symposium & Exhibition**

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EMS Requirements - Background

- **EO 13148** – Required Federal Agencies to implement EMS (revoked).
- **DA Policy Guidance** – ISO 14001 to be used for Army EMS implementation
- **EO 13423** – Reinforced EMS implementation at “all appropriate levels” and EMS use as “primary management approach”
- **OFEE EO 13423 Instructions** – Required external audits [initial & follow-up (3-yr cycle)] for declaration of EMS conformance
- **OFEE EO 13514** – This EO does not rescind/eliminate the requirements of EO 13423. Instead, it expands on the energy reduction and environmental performance requirements for Federal agencies identified in EO 13423
- **DA Policy Guidance** – Declaration of EMS conformance NLT 31 Dec 2009 (declaration may be based on results of internal audit if no external audit scheduled before deadline)





Declaration of Conformance – DA Process

- **External EMS Conformance Audit by Qualified Auditors**
(internal audit could be used if no external audit was scheduled prior to 31 Dec 2009 deadline)
- **Installation may Declare EMS Conformance with Unresolved **Minor** Nonconformance Issues** (Corrective Action Plan must be developed and briefed to senior Leadership prior to declaration of EMS conformance)
- **Installation MUST resolve all **Major** Nonconformance Issues prior to Declaration of EMS Conformance**
(Verification by IMCOM Region/MACOM required)



DA Definitions – Installation EMS Status



- **Fully Implemented EMS** – EMS meets all requirements of EO 13423 to include:
 - (a) EMS has been the subject of formal **external** audit;
 - (b) all major non-conformance issues identified during that audit have been corrected and the Commander has endorsed a Corrective Action Plan to address unresolved minor nonconformance issues; and
 - (c) Commander has formally declared EMS conformance to ISO 14001:2004 and to DA EMS policy.
- **EMS in Conformance** – EMS conforms to ISO 14001 and to DA EMS requirements, but Commander's formal declaration of conformance has been based on **internal** audit (since no external audit was scheduled prior to 31 Dec 2009)





DA EMS Implementation Status (as of 31 Dec 2009)

	<u>CONUS</u>	<u>OCONUS</u>	<u>Total</u>
Appropriate Facilities	123	21	144
EMS Declaration Status:			
Fully Implemented	40	15	55
In Conformance	42	15	57



DA Definitions – Nonconformance



- **Major Nonconformance** – Audit evidence indicates one of the following situations:
 - (a) A numbered element of the ISO 14001 standard has not been addressed, or has not been implemented, or is ineffective; or
 - (b) Multiple specific requirements within an element of ISO 14001 have not been addressed, implemented or are ineffective
 - (c) Multiple Minor Nonconformance issues, against an element of the ISO 14001 standard, are observed at multiple locations and indicate a **systemic failure** of the ISO 14001 element in question.



DA Definitions – Nonconformance (Con't)



- **Minor Nonconformance** – Audit evidence indicates one of the following situations:
 - (a) The element of the 14001 standard has been generally implemented, but a specific requirement within that element has not been fully addressed, implemented or is ineffective; or
 - (b) One or more nonconformance issues to an element of the ISO 14001 standard or to the installation's own EMS procedures that is **not likely to result in a systemic failure** of the EMS (e.g., a single observed nonconformance or a small fraction of sampled data for an element of the ISO 14001 standard); or
 - (c) One or more DoD/Army requirements have not been addressed, implemented or are ineffective



Typical Areas of Minor Nonconformance



- **Environmental Aspects (ISO 14001, 4.3.2)**
- **Legal and Other Requirements (ISO 14001, 4.3.2)**
- **Objectives, Targets and Programs (ISO 14001, 4.3.3)**
- **Resources, Roles, Responsibility and Authority (ISO 14001, 4.4.1)**





Typical Areas of Minor NC (Con't)

- **Competence, Training and Awareness (ISO 14001, 4.4.2)**
- **Communication (ISO 14001, 4.4.3)**
- **Control of Documents (ISO 14001, 4.4.5)**
- **Operational Control (ISO 14001, 4.4.6)**





Typical Areas of Major NC (Con't) (Corr. Action – Implement Missing EMS Element)

- **Monitoring and Measurement (ISO 14001, 4.5.1)**
- **Nonconformity, Corrective Action and Preventive Action (ISO 14001, 4.5.3)**
- **Internal Audit (ISO 14001, 4.5.5)**
- **Management Review (ISO 14001, 4.6)**





Environmental Aspects

- **Nonconformance Issue(s)** – The list of environmental aspects and/or significant environmental aspects had not been kept up-to-date (ISO 14001 requirement); and/or previously identified significant environmental aspects were not being reviewed annually (DA requirement)
- **Corrective Action(s) for Resolution:**
 - (1) Evaluate environmental aspects/impacts (IAW Installation EMS procedures) associated with new/modified processes and mission changes; and
 - (2) Annually review significant environmental aspects to ensure that aspects/impacts accurately reflect current Installation processes and missions.





Legal and Other Requirements

- **Nonconformance Issue** – The list of legal and other requirements (to which the Installation subscribes) was not being maintained.
- **Corrective Action(s) for Resolution:**
 - **(1)** Update the list of legal and other requirements to reflect those new laws, regulations, Executive Orders, and policies pertaining to the Installation's EMS; and
 - **(2)** Delete obsolete legal and other requirements that no longer pertain to the Installation's EMS.





Objectives, Targets and Programs

- **Nonconformance Issue** – No responsible party had been identified for each action plan/task ; and/or no time-frame(s) had been identified for the Environmental Management Plan (EMP)
- **Corrective Action(s) for Resolution:**
 - (1) Establish and implement EMPs including designation of responsibility for achieving EMS objectives and targets; and
 - (2) Specify the means and time-frame(s) by which EMS objectives and targets are to be achieved.



Resources, Roles, Responsibilities and Authority



- **Nonconformance Issue(s)** – Insufficient resources had been devoted to the EMS ; and/or EMS roles, responsibilities and authority had not been established or communicated
- **Corrective Action(s) for Resolution:**
 - **(1)** Provide sufficient resources (e.g., personnel, funding, and technological) for EMS implementation, maintenance, and continual improvement; and
 - **(2)** Appoint a Management Representative and an EMS coordinator; and
 - **(3)** Communicate EMS roles, responsibilities and authority throughout the Installation-(e.g. use of posters, web pages, etc .with the EMS personnel listed)





Competence, Training and Awareness

- **Nonconformance Issue(s)** – Processes for EMS training (awareness and/or competency) had not been fully implemented; or established training processes were not effective
- **Corrective Action(s) for Resolution:**
 - **(1)** Identify training needs (associated with environmental aspects and EMS); and
 - **(2)** Establish and implement processes for competency (based on education, training, and/or experience and retain records); and
 - **(3)** Establish and implement processes for EMS awareness [persons working for or on behalf of the installation (e.g., contractors/subcontractors)]





Communication

- **Nonconformance Issue(s)** – EMS external communication procedures were inconsistent with established Public Affairs Office (PAO) external communication procedures; and/or the Installation's record of decision regarding the external communication of their significant environmental aspects had not been documented.
- **Corrective Action(s) for Resolution:**
 - **(1)** Ensure that EMS external communication procedures reflect the Installation's actual business practices (i.e., existing PAO procedures related to external communications); and
 - **(2)** Document the Installation's record of decision regarding external communication of significant environmental aspects (e.g., EQCC meeting minutes, EMS manual, etc.)





Control of Documents

- **Nonconformance Issue(s)** – EMS document control processes had not fully implemented or established document control processes were ineffective (e.g., overly complicated)
- **Corrective Action(s) for Resolution:**
 - **(1)** Establish and implement EMS document control processes (e.g., intranet -based EMS Manual and procedures; processes for the development/revision of EMS documents; schedules for the periodic review of EMS documents; processes for archiving/retaining EMS document retained for historical purposes, etc); and
 - **(2)** Ensure that Installation document control processes address “documents of external origin” (if related to the EMS)





Operational Control

- **Nonconformance Issue** – Documented operational controls (e.g., SOPs) had not been established for all of the Installation operations associated with the identified significant environmental aspects
- **Corrective Action(s) for Resolution:**
 - **(1)** Establish and implement documented operational controls (stipulating operating criteria) for those operations associated with significant environmental aspects (e.g., recycling SOP if solid waste generation is a significant environmental aspect); and
 - **(2)** Establish procedures relating to significant environmental aspects of Installation goods/services (and communicate those procedures and requirements to suppliers/contractors)





Monitoring and Measurement

- **Nonconformance Issue** – Monitoring and measurement processes had not been fully implemented for all of the key characteristics of those Installation operations associated with the identified significant environmental aspects
- **Corrective Action(s) for Resolution:**
 - (1) Identify all key characteristics (of those operations associated with significant environmental aspects); and
 - (2) implement monitoring and measurement processes for those key characteristics; and
 - (3) calibrate/maintain monitoring and measurement equipment (e.g. scales if solid waste generation is a significant environmental aspect) and retain associated records



Nonconformity, Corrective Action and Preventive Action



- **Nonconformance Issue(s)** – Processes had not been fully implemented to deal with actual and potential EMS nonconformities (both conformance and compliance) and to take appropriate corrective and prevention actions
- **Corrective Action(s) for Resolution:**
 - **(1)** Establish and implement EMS nonconformity and corrective/preventive action processes; and
 - **(2)** Document the results of corrective/preventive actions and track the status of those actions until EMS nonconformities are resolved; and
 - **(3)** Review the effectiveness of corrective/preventive actions





Internal Audit

- **Nonconformance Issue(s)** – Individuals assigned as internal auditors were not sufficiently independent of the activity being audited (to ensure the impartiality of the audit process) (ISO 14001 requirement); and/or internal EMS audits were not being conducted annually (DA requirement)
- **Corrective Action(s) for Resolution:**
 - (1) Provide EMS internal auditor training to all individuals assigned as EMS internal auditors; and
 - (2) Ensure that the EMS internal auditors are independent of the activities/operations that they are assigned to audit; and
 - (3) Conduct an internal EMS conformance audit (all elements of the ISO 14001 standard) annually (as a minimum)





Management Review

- **Nonconformance Issue(s)** – EMS management reviews with senior Leadership did not address all mandatory topics (ISO 14001 requirement); and/or EMS management reviews were not being conducted annually (DA requirement)
- **Corrective Action(s) for Resolution:**
 - **(1)** Develop a management review agenda that addresses all of the mandatory topics specified in ISO 14001:2004, Section 4.6; and
 - **(2)** Conduct EMS management reviews with Installation senior Leadership annually (as a minimum)





Lessons Learned

- **Installations with limited Command emphasis for the EMS tended to have the most Major Nonconformance issues**
- **Installations that had experienced a loss/turn-over of their EMS Management Representative tended to have Major Nonconformance issues (i.e., no effective EMS Champion)**
- **Installations with ineffective internal communication processes tended to also have Major Nonconformance issues**





Questions

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